

**SUPREME COURT MINUTES
WEDNESDAY, JANUARY 7, 2004
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California reconvened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on January 7, 2004, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegard, Chin, Brown, and Moreno.

Officers present: Frederick K. Ohlrich, Clerk; and Gail Gray, Deputy Clerk.

S112443 The People, Plaintiff and Respondent
 v.
 Harold Wayne Taylor, Defendant and Appellant
 Cause called. Ross C. Moody, Deputy Attorney General, argued
 for Respondent.
 Joseph Shipp argued for Appellant.
 Mr. Moody replied.
 Cause submitted.

Justice Ming W. Chin, not participating in consideration of the following case, did not take the bench.

The Honorable William F. Rylaarsdam, Associate Justice, Court of Appeal, Fourth District, Division Three, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S098817 Covenant Care, Inc., et al., Petitioners
 v.
 Los Angeles County Superior Court, Respondent
 Lourdes M. Inclan, et al., Real Parties in Interest
 Cause called. David S. Ettinger opened argument for Petitioners.
 Curtis A. Cole, appearing for Amicus Curiae California Medical
 Association et al., continued argument for Petitioners.
 Russell S. Balisok argued for Real Parties in Interest.
 Mr. Ettinger replied.
 Cause submitted.

Justice Rylaarsdam, not participating in the following matters, did not join the bench. The Court is rejoined at the bench by Justice Chin. All other officers were present as before shown.

S114551 In re Raymond Edward Steele
 On
 Habeas Corpus
 Cause called. Gregory Marshall opened argument for Petitioner.
 Cristina Bordé, appearing for Amicus Curiae Habeas Corpus
 Resource Center, continued argument for Petitioner.
 Eric Christoffersen, Deputy Attorney General, argued for
 Respondent.
 Mr. Marshall replied.
 Ms. Bordé replied.
 Cause submitted.

Court adjourned.

S120493

G200339 Fourth Appellate District,
Division Three

SENATOR v. SCOTTEN

Time extended to grant or deny review

to February 6, 2004

S120513

A103115 First Appellate District,
Division Two

ARLOW (GEORGE SWAN) ON H.C.

Time extended to grant or deny review

to February 13, 2004

S121009

B160571 Second Appellate District,
Division Two

PEOPLE v. R. J. REYNOLDS TOBACCO

Extension of time granted

to January 16, 2004 for appellant to file the
answer to the petition for review.

S081918

PEOPLE v. MCKINZIE (KENNETH)

Counsel appointment order filed

appointing Gregory L. Cannon to represent
appellant for the direct appeal.

S082776

PEOPLE v. REED (ENNIS)

Counsel appointment order filed

appointing Gail Harper to represent appellant for
the direct appeal.

S025355

PEOPLE v. BRIDGES (EDWARD DEAN)

Order filed

In light of the order of January 5, 2004, vacating
the appointment of Robert V. Vallandigham as
counsel of record for appellant, the January 26,
2004, due date for the filing of appellant's reply
brief is vacated.

S119777

DAVIS ON DISCIPLINE

Recommended discipline imposed

It is ordered that **ANDREW J. DAVIS, JR., State Bar No. 24255**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed August 26, 2003, as modified in its order filed October 15, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2005 and 2006. (Bus. & Prof. Code section 6086.10.)

S119778

YOUNG ON DISCIPLINE

Recommended discipline imposed

It is ordered that **GLEN E. YOUNG, State Bar No. 183905**, be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation including restitution recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed September 5, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

S119779**SHIFFMAN ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **GARY SHIFFMAN, State Bar No. 101350**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct., that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including nine months actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on August 21, 2003. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-fourth of said costs shall be added to and become part of the membership fees for the years 2005, 2006, 2007 and 2008. (Bus. & Prof. Code section 6086.10.)

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S119780**KURKHILL ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **JAMES VICTOR KURKHILL, State Bar No. 168539**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. **James Victor Kurkhill** is also ordered to comply with the other conditions of probation

recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed July 30, 2003, as modified by its order filed August 25, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and the full amount of said costs shall be added to and become part of the membership fee for the year 2005. (Bus. & Prof. Code section 6086.10.)

S119781

PETILLA ON DISCIPLINE
Recommended discipline imposed

It is ordered that **RODOLFO ENRIQUEZ PETILLA, State Bar No. 109383**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its decision filed on August 4, 2003. It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S121468**COLLEY ON RESIGNATION**

The voluntary resignation of **NATHANIEL S. COLLEY JR., State Bar No. 91776**, as a member of the State Bar of California is accepted.

S121469**CHEW ON RESIGNATION**

The voluntary resignation of **JAMES BRIAN CHEW, State Bar No. 60793**, as a member of

S121470

BURNHAM ON RESIGNATION

The voluntary resignation of **JOHN THOMAS BURNHAM, State Bar No. 40596**, as a member of the State Bar of California is accepted.

S121471

SIMPSON ON RESIGNATION

The voluntary resignation of **JEAN E. SIMPSON, State Bar No. 21725**, as a member of the State Bar of California is accepted.

S121473

MCARDLE ON RESIGNATION

The voluntary resignation of **THOMAS FAVOR MCARDLE, State Bar No. 48244**, as a member of the State Bar of California is accepted.

S121475

LOITERMAN ON RESIGNATION

The voluntary resignation of **THEODORE LOITERMAN, State Bar No. 34084**, as a member of the State Bar of California is accepted.

S121476

CRADY ON RESIGNATION

The voluntary resignation of **MICHAEL EDWARD CRADY, State Bar No. 53356**, as a member of the State Bar of California is accepted.

S121477

HANNUM ON RESIGNATION

The voluntary resignation of **APRIL IRENE HANNUM, State Bar No. 183018**, as a member of the State Bar of California is accepted.

S121478

JENKINS ON RESIGNATION

The voluntary resignation of **ROBERT BRADLEY JENKINS, State Bar No. 79488**, as a member of the State Bar of California is accepted.